

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

BRENDA LERMA, INDIVIDUALLY,	)(	
AS NEXT FRIEND OF J.L. AND	)(	
D.L., AND AS REPRESENTATIVE	)(	
OF THE ESTATE OF LUIS LERMA;	)(	
FOR AND ON BEHALF OF ALL	)(	
THOSE ENTITLED TO RECOVER	)(	
FOR HIS DEATH UNDER THE	)(	
TEXAS WRONGFUL DEATH AND	)(	CIVIL ACTION
SURVIVAL ACTS; LUIS ORALDO	)(	
LERMA MIRELES and NINFA	)(	NO. 1:12-229
CANTU GARCIA DE LERMA	)(	
Plaintiffs	)(	
VS.	)(	
	)(	
BRIGGS & STRATTON	)(	
CORPORATION and BRIGGS &	)(	
STRATTON POWER PRODUCTS, LLC	)(	
Defendants	)(	

ORAL AND VIDEOTAPED DEPOSITION OF  
ISRAEL RAMOS  
JUNE 20, 2013

ORAL AND VIDEOTAPED DEPOSITION OF ISRAEL RAMOS,  
produced as a witness at the instance of the  
PLAINTIFFS, taken in the above styled and numbered  
cause on JUNE 20, 2013, reported by SHELLEY STINGLEY,  
Certified Court Reporter No. 5725, in and for the State  
of Texas, at the Hampton Inn and Suites Board Room,  
1202 Ed Carey Drive, Harlingen, Texas, pursuant to the  
Federal Rules of Civil Procedure.

**EXHIBIT B**

**COPY**

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11:11 1 A. No.

11:11 2 Q. But what I'm trying to use this exhibit for is  
11:12 3 to establish that the site is out -- is surrounded by  
11:12 4 water. Is that correct?

11:12 5 MR. TERRY: Objection; form.

11:12 6 A. Yes.

11:12 7 Q. That is correct?

11:12 8 MR. TERRY: Objection; form.

11:12 9 A. Correct.

11:12 10 Q. What was being built at the site in Exhibit  
11:12 11 No. 2?

11:12 12 A. Well, we call it a floor, but it's a deck.

11:12 13 Q. Was that the specific job that you were doing?

11:12 14 A. Yes.

11:12 15 Q. What was the overall structure going to be  
11:12 16 that's shown in Exhibit No. 2?

11:12 17 A. A house.

11:13 18 Q. A house on the water?

11:13 19 A. Yes.

11:13 20 Q. What time did you arrive to the site?

11:13 21 A. Around 9:00.

11:13 22 Q. 9:00 in the morning on May 21, 2011?

11:13 23 A. Yes, 9:00, 9:30, around that time.

11:13 24 Q. And when y'all arrived, what did y'all first  
11:13 25 do?

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11:13 1 A. We started to pull out some extensions and put  
11:14 2 them there on top of the deck.

11:14 3 Q. And when you say extensions, what do you mean?

11:14 4 A. The electrical cords where we plug in the  
11:14 5 drills.

11:14 6 Q. Where did y'all place the generator on May 21,  
11:14 7 2011?

11:14 8 A. On top of the boat.

11:14 9 Q. And what did y'all plug into the generator?

11:14 10 A. The extension cord.

11:14 11 Q. Where did the extension cord -- or strike that.

11:14 12 Where was the boat in relation to the dock  
11:14 13 that's depicted in Exhibit No. 2?

11:14 14 A. In this area. No, I'm sorry, here, behind.

11:14 15 Q. Could you turn it around and then point on the  
11:15 16 camera? And I'm going to get the guy with the video to  
11:15 17 zoom in.

11:15 18 A. (The witness complied)

11:15 19 Q. Did y'all tie the boat up to the dock or to the  
11:15 20 deck?

11:15 21 A. Yes, the boat was tied up here on the pole. It  
11:15 22 was tied up. The boat was not moving at all.

11:15 23 Q. Where was the extension cord that was coming  
11:15 24 out of the generator?

11:15 25 A. Well, the boat is here; the extension cord was

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11:15 1 here on top of the boards.

11:15 2 Q. So the extension cord was out of the water?

11:15 3 MR. TERRY: Objection; form.

11:16 4 A. Yes.

11:16 5 Q. Now, what were you doing when -- or strike  
11:16 6 that.

11:16 7 Did y'all have separate tasks that y'all  
11:16 8 were doing, the three of y'all, on May 21, 2011, out at  
11:16 9 the site?

11:16 10 A. Yes.

11:16 11 Q. What was your task?

11:16 12 A. To put the boards up here and to set them in  
11:16 13 the place where you step on, which is really the  
11:16 14 ground, the floor.

11:16 15 Q. So you were setting the floor of the deck?

11:16 16 MR. TERRY: Objection; form.

11:16 17 MR. WHITE: What's the basis?

11:16 18 A. Yes.

11:16 19 MR. TERRY: You're telling him what he's  
11:16 20 testifying to, "So you're setting the floor on the  
11:16 21 deck."

11:16 22 MR. WHITE: After he tells me that he put  
11:16 23 it there and I'm confirming what he's saying.

11:17 24 MR. TERRY: Yeah, you're repeating what he  
11:17 25 said. That's not a question. And if it is a question,

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11:17 1 it's a leading question.

11:17 2 MR. WHITE: Okay. And your objection was  
11:17 3 form?

11:17 4 MR. TERRY: Yes.

11:17 5 MR. WHITE: Gotcha.

11:17 6 MR. TERRY: I'll make more if you want.

11:17 7 MR. WHITE: Well, you're doing good with  
11:17 8 them already.

11:17 9 MR. TERRY: Yeah, I thought I was limiting  
11:17 10 them.

11:17 11 Q. What was Juan doing on May 21, 2011 prior to  
11:17 12 the accident?

11:17 13 A. He was in this area here. He was with the  
11:17 14 drill drilling the boards that we were putting on the  
11:17 15 floor.

11:17 16 Q. Was he on top of the deck?

11:17 17 A. Yes, on top standing up.

11:17 18 Q. Were you and Juan working together, or no?

11:17 19 A. Yes.

11:17 20 Q. You and Juan were working together putting the  
11:17 21 decks -- putting the boards on top of the deck; is that  
11:17 22 correct?

11:17 23 MR. TERRY: Objection; form.

11:18 24 A. Yes.

11:18 25 Q. What was Luis doing prior to the accident?

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11:18 1 A. He was putting -- he was making a hole in these  
11:18 2 poles. He would put -- he would make a hole and then  
11:18 3 would put a screw that would go to the other side of  
11:18 4 the pole. He would put a long screw.

11:18 5 THE INTERPRETER: What's "wasa"?

11:18 6 MR. TERRY: Washer.

11:18 7 THE INTERPRETER: With "wasa"?

11:18 8 MR. TERRY: Washer.

11:18 9 INTERPRETER: Washer?

11:18 10 MR. TERRY: That's English. That's the  
11:18 11 English word.

11:18 12 A. With washer and then the knobs.

11:18 13 Q. How long were the screws?

11:18 14 A. It depends on the pole. There are some thick  
11:18 15 ones and there are thinner ones. There are some that  
11:18 16 are 16 inches or 18 inches wide.

11:19 17 Q. How long were the poles that were out there on  
11:19 18 the deck?

11:19 19 A. The ones that were down underground?

11:19 20 Q. Yes.

11:19 21 A. 16.

11:19 22 Q. Feet?

11:19 23 A. 16 feet.

11:19 24 Q. Now, how wide were they?

11:19 25 A. I mean thick.

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11:19 1 Q. How thick were they?

11:19 2 A. Between 12 to 14.

11:19 3 Q. Inches?

11:19 4 A. Inches, yes.

11:19 5 Q. What type of drill was Luis using?

11:19 6 A. It's a drill this big. It has a handle here,  
11:19 7 has a handle here, a handle here, and then the drill to  
11:19 8 make the holes.

11:19 9 Q. Now, when Luis was drilling holes in the poles,  
11:20 10 where was he?

11:20 11 A. He was on the third line from here -- one, two,  
11:20 12 three -- four poles, on the third line going inside and  
11:20 13 then four feet going to the front.

11:20 14 Q. And I need to ask you a more general question  
11:20 15 and -- you know, I'm trying here. In general, where  
11:20 16 was Luis? Was he on the deck with you and Juan or was  
11:20 17 he in the water when he was screwing the holes in the  
11:20 18 poles?

11:21 19 A. He was standing on the water.

11:21 20 Q. Now, how deep --

11:21 21 A. Like -- it was shallow.

11:21 22 Q. How deep was the water?

11:21 23 A. About 20 inches.

11:21 24 Q. Would that be below the knee?

11:21 25 A. More or less, yes, at the knees, knee.

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11:21 1 Q. Do you remember what the weather was like on  
11:21 2 May 21, 2011?

11:21 3 A. It was okay, no wind. It was okay.

11:21 4 Q. Was it raining?

11:21 5 A. No.

11:21 6 Q. Was it hot?

11:21 7 A. Yes.

11:21 8 Q. Was it muggy or humid?

11:22 9 A. No.

11:22 10 Q. Now, before we get into the actual when the  
11:22 11 accident happened and the specifics of that, I just  
11:22 12 want to ask you about how many of the -- or first off,  
11:22 13 how many holes was Luis drilling in each pole?

11:22 14 A. One.

11:22 15 Q. And how many poles had he drilled before the  
11:22 16 accident, more or less?

11:22 17 A. 13.

11:22 18 Q. And how many total was Luis going to drill  
11:22 19 holes in on that day?

11:22 20 A. 24.

11:23 21 Q. Now, as Luis is about to -- or as -- how long  
11:23 22 did it take for the 13 holes to be drilled?

11:23 23 A. It took him about three hours for these 10. In  
11:23 24 the morning when he arrived, in the morning when we  
11:23 25 arrived, he drilled one, two, three -- three.

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12:42 1 Q. What bit size would you be using?

12:43 2 A. I don't know. I haven't checked it.

12:43 3 Q. Is it like half-inch?

12:43 4 A. You mean the edge?

12:43 5 Q. Yes. Were you using a half-inch bit to drill  
12:43 6 holes through the wood?

12:43 7 A. Three-eighths.

12:43 8 Q. Three-eighths, okay. Now, was there an  
12:43 9 extension cord for each tool?

12:43 10 A. Not for ours. There's only one extension that  
12:43 11 has three -- that had three -- that has three plugs.  
12:44 12 It has a big head. An extension has the big head. It  
12:44 13 just has a cable cord and that connects -- plugs into  
12:44 14 the generator. That's what -- for what we were using.

12:44 15 Q. Okay. So you had one extension cord to the  
12:44 16 generator and the two tools would be connected to the  
12:44 17 end of that extension cord?

12:44 18 A. Mine, yes.

12:44 19 Q. And Mr. Lerma would have attached his to the  
12:44 20 same extension cord?

12:44 21 A. Not to mine. It was connected directly to the  
12:44 22 machine.

12:44 23 Q. Was Mr. Lerma's drill plugged into the  
12:44 24 generator?

12:44 25 A. To the generator.

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